


COUNTY OF YORK

MEMORANDUM

DATE: May 4, 2006 (BOS Mtg. 5/16/06)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator 

SUBJECT: Application No. UP-703-06, Premier Properties USA, Inc.

ISSUE

This application is a request to amend the conditions of approval of a previously approved Special Use Permit, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, by authorizing certain minor modifications to the design and layout of the proposed Marquis retail center to be located on property at the intersection of Water Country Parkway, Route 199 and Interstate 64. The properties are further identified as Assessor's Parcel No. 11-91 and a portion of Assessor's Parcel No. 11-4-3.

BACKGROUND

On December 20, 2005, the Board approved an application for a Special Use Permit to authorize, pursuant to Section 24.1-466(g) of the Zoning Ordinance, development of a retail center consisting of more than 80,000 square feet of floor area. The proposed development concept was to consist of a combination of freestanding "major" and "junior" anchor stores as well as a "town center" with additional retail spaces arranged along two intersecting "main streets." Since the December 2005 approval date, Premier Properties has submitted a site plan depicting the first two major anchor stores (Target and J.C. Penney) and has continued its discussions with other prospective tenants. Those discussions have prompted Premier Properties to submit this request to seek approval of certain changes in the originally approved conceptual layout. Section 24.1-115(d)(2) of the Zoning Ordinance states that the Board may approve minor modifications to the conditions of an approved and currently valid special use without a public hearing provided that the following four criteria are met:

- There will be less than a 25% increase in either total lot coverage or floor area;
- There will be no detrimental impact on any adjacent property caused by significant change in the appearance or the use of the property or any other contributing factor;
- Nothing in the currently valid special use permit precludes or limits such expansion or enlargement;
- The proposal is consistent with the Zoning Ordinance and the Comprehensive Plan.

It is staff's opinion that this request meets these criteria and is therefore being processed as a minor amendment. Such amendments do not require prior review by the Planning Commission.

CONSIDERATIONS/CONCLUSIONS

1. The proposed changes in the concept plan involve:
 - Re-location of the “junior” anchor stores to the eastern side of the site rather than having them interspersed as in the original concept;
 - Re-configuration of the “town center”/“main street” area to consist of a street providing vehicular access intersecting with a pedestrian-only promenade, rather than two intersecting vehicular access streets.

The “junior” anchors would be arranged in a row of buildings attached to the J.C. Penney store and backing up to the proposed perimeter access road. The “town center” area would be located approximately 250-300 feet across the parking area in front of these stores and would be accessible by three major pedestrian connections.

As in the initial concept, the “town center” area is proposed to have retail tenant spaces on all outward facing building facades. Service/delivery courts continue to be arranged and configured to minimize visibility. The “main street” with vehicular access would be approximately 900 feet long, with angled parking and wide pedestrian sidewalks on both sides. The pedestrian-only axis would be approximately 700 feet long. In terms of actual building façade length available for non-anchor retail store frontage in the “town center” area, the proposed plan and the original plan are almost identical – both having approximately 3,700 total linear feet of frontage on sidewalks/pedestrian ways available to be arranged for retail tenant spaces.

2. By grouping the “junior” anchors together, the revised plan allows better views into the “town center” area from the project’s main entrance as well as from various locations in the parking lots. In addition, staff believes that the revised concept should promote pedestrian accessibility to the “junior” anchors as a group. Having these tenant spaces arranged within sight and walking distance of one another rather than dispersed throughout the project should encourage customers to park at one location, rather than driving to multiple locations within the project. In addition, once parked in the lot in front of the “junior” anchors, the “town center” area would be easily visible and within convenient walking distance via the three major pedestrian linkages through the parking lot.
3. The initial concept plan included an assembly/activity area in the center of one of the town center street segments. In staff’s opinion, the proposed layout improves on this concept by providing a much longer pedestrian-only promenade that could better accommodate small-group musical performances, art exhibits, etc. without interference from vehicles traveling by on either side of the area.

4. All other aspects of the Special Use Permit approval granted by Resolution No. R05-201(R) would remain the same. This would include the requirements for architectural treatment of all sides of structures visible to the public (e.g., the back facades of the line of “junior” anchor stores will have to meet architectural guidelines), the requirements to address historical resource issues on the site, and the traffic analysis requirements. If this request were to be approved, the only change to the initial approval conditions would be to reference a new concept plan.

RECOMMENDATION

Based on the considerations and conclusions noted above, I believe that the proposed changes in the development concept plan are reasonable and appropriate. The changes will have no impact on any of the basic land use issues associated with the project, nor will they cause any different external impacts. Therefore, I recommend that the Board approve this application through the adoption of proposed Resolution R06-74.

Carter/3337

Attachments

- Vicinity Map
- Resolution No. R05-201(R)
- Special Use Permit Concept Plan – December 20, 2005 approval
- Letter from Premier Properties addressing proposed changes
- Proposed Revised Concept Plan dated May 1, 2006
- Proposed Resolution R06-74